

**Howard N. Gorney**  
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**File Dated: 6/8/04**

<b><u>I. Profession</u></b>	<b><u>Accrediting Agency or Jurisdiction</u></b>	<b><u>Date of Admission</u></b>
Attorney	Supreme Judicial Court of Massachusetts	December 12, 1974

<b><u>II. Professional Organization</u></b>	<b><u>Date of Admission</u></b>	<b><u>Active/Inactive</u></b>
American Bankruptcy Institute	1990	Active
Boston Bar Association	1988	Active

**III. General professional experience:**

Practitioner for almost 30 years in a wide variety of commercial areas with emphasis on debtor/creditor disputes.

**IV. General pertinent experience:**

I have participated as a party in mediations in the Massachusetts State and Federal Courts and in the Bankruptcy Court in the Southern District of New York.

**V. Mediation training:**

I am a trained mediator. I have completed forty hours of mediation training with Mediation Works, Inc., Boston, MA, in accordance with Mass. General Laws c. 233 § 23E.

**VI. Pertinent bankruptcy training:**

I have practiced bankruptcy law for over 25 years. I have represented debtors, creditors committees and secured creditors, as well as other parties such as preference defendants, buyers of bankruptcy assets, landlords and claimants in claims objection matters.

Representative experience:

- In re Arch Wireless Communications, Inc., U. S. Bankruptcy Court, District of MA  
Partner on team which was counsel to the Creditors Committee in multi-billion dollar Chapter 11 case.
- In re Metiom, Inc., U. S. Bankruptcy Court, Southern District of NY.  
Chair of the Creditors Committee representing largest unsecured creditor in multi-million dollar Chapter 11 case.
- In re Filene's Basement, Inc., U. S. Bankruptcy Court, District of MA  
Represented lessor of two major real estate facilities in Chapter 11 case of major retailer.
- In re Malden Mills, Inc., U. S. Bankruptcy Court, District of MA  
Represented debtor's largest equipment lessor.
- In re Spike Broadband, Inc., U. S. Bankruptcy Court, District of NH  
Represented secured lender to debtor.

**VII. General pertinent business or legal experience :**

Teaching Experience:

Adjunct Instructor in Business Law and Real Property Law, Assumption College, Worcester, MA - 1983-1988.

Publications:

"Elimination of 45-Day Rule of Section 547(c)(2) Requires a New Look at Preferences," 91 Commercial Law Journal No. 3

"Enjoining Payment of Letters of Credit Under the Bankruptcy Code," 66 American Bankruptcy Law Journal 333

"Compliance May Not Protect Validity of Foreclosure Sales," Banker & Tradesman, February 3, 1997 (Co-Author)

"Supreme Court Tips Balance in Creditors Favor," Boston Business Journal, July 16-22, 1999 (Co-Author)

"The Importance of Good Faith in Fraudulent Transfer Analysis," American Bankruptcy Institute Journal, Vol. XXII, No. 2, March, 2003